

**FINDING OF NO SIGNIFICANT IMPACT  
SECTION 26A APPROVAL OF SHORELINE STABILIZATION  
AND FACILITIES FOR TWO RIVERS, LLC  
AT ELK RIVER MILE 1.8, LEFT BANK, WHEELER RESERVOIR,  
LIMESTONE COUNTY, ALABAMA**

Two Rivers, LLC (Two Rivers) proposes to construct water use facilities and stabilize TVA fee-owned shoreline fronting its condominium development project along the Elk River, a tributary of the Tennessee River at Mile 285.0, right bank. Two Rivers has requested TVA approval to build two 150-foot long day use docks, construct a sand beach, and stabilize with riprap approximately 1,775 linear feet of shoreline. These actions require approval under Section 26a of the TVA Act. The facilities would be exclusively used by residents of the 61 condominium units and their guests. The applicant does not need additional land rights from TVA to develop these facilities.

The proposed facilities also require approval by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act. TVA has cooperated with the Corps in the preparation of an environmental assessment (EA) of the proposed water use facilities and permanent obstructions for the shoreline stabilization and beach construction. TVA is adopting the EA and it is incorporated by reference.

The EA evaluates three alternatives: 1) No Action, under which the permit requests and approvals would be denied; 2) The Proposed Action (as modified); and 3) Appropriate Mitigation to Proposed Action. The applicant originally proposed to construct two docks of 260 feet in total length. These docks would lie in the wide mouth of the Elk River away from the main navigation channel. The originally proposed length would exceed TVA's 150-foot length guideline and is not necessary for sufficient depth for summer boat access. Therefore the applicant modified the proposal and reduced the length of the docks to 150 feet. No dredging is proposed. As a part of its proposal, Two Rivers would also implement a mutually agreed upon vegetation planting and management plan on the TVA public land fronting its proposed development. The Corps proposes to approve Alternative 3.

The subject EA concludes that impacts to the physical and chemical environment, including water quality, would be negligible. Effects on biological characteristics of the impact area including fish and aquatic life, terrestrial wildlife and their habitats, and vegetation would be minor. Human uses and values including noise, air quality, aesthetics, land use, and floodplains would be minor and insignificant. An analysis of traffic/transportation and water-related recreation in the EA concludes that even considering boats originating from the adjoining subdivision, the additional number of boats from Two Rivers would be small and not contribute significantly to crowding or reduced boating safety in this reach of Elk River. Boats passing and maneuvering in the vicinity of the mouth of the river would not be restricted.

No endangered or threatened species would be affected and the U.S. Fish and Wildlife Service concurred with this determination on September 21, 2006. No wetlands occur on the site and none would be impacted by the proposal. No cultural resources eligible for or listed on the National Register of Historic Places would be affected and the Alabama Historical Commission concurred with this determination on October 5, 2006. The deposit of riprap on the shoreline involves fill in the floodplain. The placement of riprap and sand for the beach would displace less than 1-acre-foot of flood control storage and comply with TVA's Flood Control Storage Loss Guidelines. Consistent with EO 11988 (Floodplain Management), impacts to the 100-year floodplain would thus be minimized.


The proposed facilities were the subject of Joint Public Notice 06-92 issued by TVA and the Corps on August 31, 2006. The notice described the originally proposal (see Appendix A in the EA). During the comment period, nine comments from the public were received; seven were opposed and two were supportive. There were five requests for a public hearing. After the comment period closed, seven additional opposing comments were received. The main concerns of the commenters included water safety and increased boat traffic. In response to these comments and consultation with TVA staff, the applicant modified the proposal by reducing the length of the docks. All of the issues raised in the comments have been addressed in the attached EA and a public meeting is not likely to provide additional information useful to the decision or serve the public interest. Therefore, the Corps and TVA decided that a public meeting was not warranted.

### **Mitigation and Special Permit Conditions**

As part of its standard conditions for Section 26a approval, TVA would require use of Best Management Practices and other general and standard conditions. Two Rivers would also be required to implement the Corps special permit conditions listed in the EA. TVA has not identified the need for any additional non-routine conditions or mitigation measures.

### **Conclusion and Findings**

Based on the EA, we conclude that the Section 26a approval for the Two Rivers water use facilities and shoreline alterations would not be a major federal action significantly affecting the environment. Accordingly, an environmental impact statement is not required. This Finding of No Significant Impact is contingent upon adherence to the permit conditions described above.



---

Jon M. Loney  
Senior Manager, NEPA Policy  
Environmental Stewardship and Policy  
Tennessee Valley Authority

***February 12, 2007***

---

Date